

Mr. SPEAKER.—I have no objection personally to sit till six. But I do not know whether the other Hon'ble Members would agree.

Sri T. MARIAPPA (Minister for Finance).—Five is enough, Sir.

Sri M. P. PATIL (Minister for Revenue).—We are sitting from 8-30 this morning to 12-30 and it will be difficult for other Members to sit again for three hours in the afternoon.

Mr. SPEAKER.—What about me? Anyway that question will be kept open for the present. The Hon'ble Ministers will make up their mind in the meantime. They need not sit here the full time, because it is only a question of taking part in the debate. The reply will come from Sri Baliga. If the Hon'ble Ministers want to take part early, I will call them earlier.

Sri M. PALANIYAPPAN.—Does it mean that the Ministers need not be here when we speak, Sir?

Mr. SPEAKER.—I do not mean that Ministers need not be present here. Naturally one or two Ministers will be present. But it is not necessary to hold up all the Ministers here from their work.

Sri J. MOHAMED IMAM.—I have another suggestion to make, Sir. I find there is a printed list of Assembly Members. I suggest that this list of Members may be distributed to the House so that Hon'ble Members may become familiar with the names. The Chair may kindly direct the Secretary to distribute that list.

Mr. SPEAKER.—I fully agree with the Hon'ble Leader of the Opposition. Steps will be taken in that direction. But I feel that instead of depending on the printed list, the best way is to make acquaintance by looking at their faces.

The House will now rise and meet at 3 P.M.

The House adjourned at Thirty-five Minutes past Twelve of the Clock and reassembled at Three of the Clock.

[Mr. SPEAKER in the Chair.]

Points of order *re*: presentation of the Budget.

Mr. SPEAKER.—Before we resume discussion I would like to give the ruling on the points raised by Hon'ble Member Sri Pujar.

When the Hon'ble Finance Minister rose to present the Estimates for the five months of this year, to the Assembly, Hon'ble Member Sri N. P. Pujar raised several points of order. I stated that I would give a considered ruling later in the day.

At the outset I desire to state that the usual practice followed in all the Legislatures including the House of Commons, Parliament of India and elsewhere is for an Hon'ble Member who wants to raise a point of order to meet the Speaker in his Chambers and tell him that he wishes to raise a particular point of order. This will enable the Speaker to give the matter his consideration and the Hon'ble Member who raises the point of order can also have the satisfaction that the Speaker has given the matter his thought and then given his ruling. Of course, this cannot apply to points of order that arise during debate.

Coming to the point of order itself, actually the Hon'ble Member has raised five of them.

I would like to briefly narrate the circumstances in which the estimates were presented to the House today.

The new State of Mysore came into existence on the 1st November this year. Any estimate in relation to this State could, therefore, relate only to the period subsequent to that date. At the same time, it would have been physically impossible for the State Legislature to have met on the 1st November and passed the demands and the Appropriation Bill on that very day in order to regularise expenditure in the new State. The States Reorganisation Act has, therefore, provided by Section 70 that the Governor or the Rajpramukh of the corresponding State—in the present case the old State of Mysore—could authorise before the 1st November such expenditure from the Consolidated

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Fund of the new State, as he deems necessary for any period not extending beyond the 31st day of March 1957. Such an authorisation was in fact made.

The expenditure for the five months from the 1st November 1956 having thus been authorised, nothing more need have been done. Article 204 (3) of the Constitution which prohibits withdrawal of moneys from the Consolidated Fund of a State except under appropriation made by law passed in accordance with the provisions of this article, has to be treated as superseded in respect of these five months, by section 70 of the States Reorganisation Act.

But the Legislature Secretariat felt, and this view is shared by the State Government and it is also the view of the Government of India, that where a State Legislature meets during these five months, it should not be prevented from considering the estimates. It was in these circumstances that the estimates have been presented to the House today.

The Hon'ble Member Sri N. B. Pujar's first point of order is that the Hon'ble Finance Minister is not competent to present the Budget for the fraction of a year under Article 202. Article 202 of the Constitution, no doubt, requires the Governor to cause to be laid before the Houses of Legislature annual financial statement in respect of every financial year. So far as the new State of Mysore is concerned, since the State came into existence only on the 1st November it would have been obviously impossible for any financial statement to be presented for the year 1956-57 as, during the major portion of that year, the State was not in existence at all. We must, therefore, understand the financial year in respect of the new State to commence only on the 1st November and I do not see anything irregular in the presentation of the estimates for the five months.

The Hon'ble Member's second point of order is that in asking the Assembly to vote for expenditure for five months, the Hon'ble Finance Minister is asking the House to contravene the procedure

in financial matters as laid down under articles 202 and 203 of the Constitution and rule 119 of the Rules of Procedure. I must confess that I am unable to follow this point of view because, in respect of the five months left in the current year, an annual financial statement has been presented under article 202, the procedure laid down under Articles 203 and 204 are going to be followed and the presentation of the estimates has been on a date appointed by the Governor as required by rule 119.

The point of order No. 3 is more in the nature of a request for information. The Hon'ble member wants to know whether the presentation of the Budget has to be construed as merely a motion to take into consideration the expenditure authorised by the Governor under section 70 of the States Reorganisation Act and whether such authorisation includes estimates of receipts also. If the Hon'ble Member had waited to see the estimates, copies of which have been distributed to the members, he would have seen that the Budget Estimates are in the form of the usual Budget presented from year to year with the only difference that the present estimates refer to only five months instead of 12 months, and includes the estimates of receipts also.

The Hon'ble Member's point of order No. 4 is again a question as to whether expenditure incurred for the months of November and December can be considered to be estimates or actuals. As I have stated already, all expenditure on and after the 1st November has been regularised by the action taken by the Governor under section 70 of the States Reorganisation Act and it is not as if such expenditure derives its validity solely from a vote of the Assembly. As I see it, the expenditure during the five months of the year does not require the vote of the House to make it valid, but, the House is at the same time not precluded from exercising the powers available to it under articles 202 to 204 of the Constitution in respect of estimates for the five months.

His point of Order No. 5 is that, if expenditure for the months of November and December should be

treated as actuals, whether such actuals can be incorporated in the Budget which is only a statement of estimated receipts and expenditure. The present case is not however as if the Government have spent moneys for the two months of November and December without taking the approval of the House. This is no doubt the usual procedure envisaged by the Constitution. But the circumstances during the five months in the year 1956-57 in relation to the new State of Mysore are somewhat peculiar, and it is precisely to meet the objections of the nature raised by the Hon'ble Member that provision has been made in the States Reorganisation Act and it is for this reason that I have already stated that article 204 (3) must be deemed to have been superseded by the terms of section 70 of the States Reorganisation Act. It is not as stated by the Hon'ble Member that the presentation of the Budget is in the nature of consideration of the authorisation by the Governor, but it is in one sense of the term, action taken under articles 202 and 203 of the Constitution, subject however to the fact that expenditure incurred, until appropriation is made by law under article 203, is regularised by action taken under section 70 of the States Reorganisation Act. I therefore hold that the presentation of the Budget is perfectly in order and there is no substance in any of the points of order raised by the Hon'ble Member.

MOTION ON THE ADDRESS BY THE GOVERNOR

(Debate Continued)

Shri B. K. DALVI (Belgaum Urban).—Mr. Speaker Sir, as you are aware, I come from the Belgaum Urban constituency which is a place in the Marathi-speaking area of Belgaum District which we desire should be included in the Marathi-speaking areas of the Bombay State. In the beginning I thought I would have an opportunity of speaking on the Address of His Excellency the Governor. I am quite new to this legislature. I do not

know the affairs of this State as I ought to nor do I know the budgetary position of the new State. Hence, I thought that I would have no occasion to make a speech in this House in this session. But fortunately I find that a reference is made to the dispute or, as it is called, the controversy existing in certain areas—border areas of the new Mysore State, and some observations in that respect have been made in this speech of the Governor. And I should like to devote my speech only to that portion which relates to the dispute about the linguistic borders of the Bombay State. When I am going to say something about the dispute, I may assure through you, Sir, that I am not doing it with any spirit of creating any heat or any bitterness in this House or elsewhere. I am only going to state facts and what our case is because I think it has not been properly understood by many of the legislators here. I have had some discussion with some of the members and I found that they were utterly ignorant of the nature and gravity of the situation to which I am shortly going to make a reference. Before doing that, I may just refer to the observations made by the Governor in his speech which are contained in paragraphs 4 and 5. Paragraph 4 is an important one and with your permission, I beg to read it.

Paragraph 4 reads thus :

“4. I am particularly glad that the new State came into existence without any untoward incident, notwithstanding the controversies that preceded the enactment of the States Reorganisation Act by Parliament...”

Here, as I shall presently point out, it is not correct to say that this Reorganisation of States took place or has taken place without any untoward incident; and whatever dispute there is, I do not think, it is merely a controversy. Really it is a dispute and not a controversy as has been observed here. Further the paragraph says:

“...It is a matter of credit to our people that this vast change